

RCE/3632

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Section (b) of 35 USC 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA)

| | |
|----------------------|------------------|
| Application No. | 10/045,572 |
| Filing Date | October 23, 2001 |
| First Named Inventor | White et al. |
| Group Art Unit | 3632 |
| Examiner Name | Tan Le |
| Attorney Docket No | 205071 |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

NOTE: 37 CFR 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 CFR 1.114

- a. ☒ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☒ Other: Information Disclosure Statement previously filed on June 24, 2003 and received by the U.S. Patent and Trademark on June 27, 2003, per enclosed copy of return stamped postcard
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure Statement (IDS)
- iv. ☒ Form PTO-1449
- v. ☒ Copies of documents listed in Form PTO-1449
- vi. ☒ Copy of return stamped postcard with PTO stamp having been received on June 27, 2003.
- vii. ☒ Copy of European Search Report
- viii. ☒ Communication of Reasons Concerning Refiling of the Application

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2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The following fees are enclosed:
- i. ☒ RCE fee of \$750.00 (large entity) required under 37 CFR 1.17(e) \$750.00
- ii. ☐ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17) \$0.00
- iii. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i)) \$0.00
- iv. ☐ Other: \$0.00
- TOTAL FEES ENCLOSED** **\$750.00**

- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ The Commissioner is hereby authorized to charge the above fees to Deposit Account No. 12-1216
- d. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

| | | | |
|-------------------|--------------------|-----------------------------------|--------------------|
| Name (Print/Type) | Charles H. Mottier | Registration No. (Attorney/Agent) | 30,874 |
| Signature | | Date | September 25, 2003 |



PATENT
Attorney Docket No. 205071

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

White et al.

Application No. 10/045,572

Art Unit: 3632

Examiner: Le Tan

Filed: October 23, 2001

For: RETAINER CLIP FOR MOUNTING
SINK TO COUNTER TOP

**COMMUNICATION OF REASONS CONCERNING
REFILING OF THE APPLICATION**

Mail Stop
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Dear Sir:

The above-identified application is being refiled to afford the Examiner the opportunity to consider a European search report, which had previously been provided to the Patent Office, but which had not been considered by the date of the refiling.

The European search report and identified references are being submitted with the refiling to facilitate their review. It will be noted that the search report and cited references were originally submitted with an Information Disclosure Statement by Certificate of Mailing on June 24, 2003, and were received in the Patent Office on June 27, 2003, as evidenced by the date-stamped return-receipt postcard. The Information Disclosure Statement was therefore received in the Patent Office prior to the mailing of the Notice of Allowance issued in this application. The refiling is occurring just several days before payment of the issue is required.

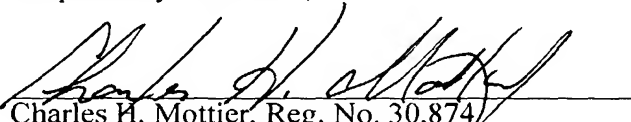
Full consideration of the references identified in the European search report is requested and encouraged. In this regard, it should be noted that the European search was conducted in relation to claims as they were originally pending in this application. The claims of the above-identified application were subsequently amended, and it is those

In re Appln. of White et al.
Application No. 10/045,572

amended claims that were deemed patentable by the Examiner and which are subject to the Notice of Allowance.

The Examiner is respectfully requested to telephone the undersigned attorney if he has any questions concerning the refiled application, or if, in his view, a telephone communication would expedite his review of the pending claims and the issuance of the application as a U.S. patent.

Respectfully submitted,



Charles H. Mottier, Reg. No. 30,874
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(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: September 25, 2003



THE COPYRIGHT OFFICE IS RESPECTFULLY REQUESTED TO PLACE ITS STAMP ON THIS

POSTAL CARD

AND PLACE IT IN THE OUTGOING MAIL

THE FOLLOWING PAPER HAS BEEN RECEIVED

LAH

AHR

Mailed June 24, 2003 via First Class Mail
205071 - Elkay CHM/cm

In re Application of White et al., Filed October 23, 2001
For: RETAINER CLIP FOR MOUNTING SINK
TO COUNTERTOP

U.S. Patent Application No. 10/045,572

LEYDIG, VOIT & NAYER

RECEIVED Information Disclosure Statement (4 pages in duplicate);

PTO Form 1449 (1 page); Copies of References and Abstracts

July 18, 2003, Copy of European Search Report (3 pages); and this return postcard.

PAT/TM Due Date _____



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Christina Mueller